

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**USDC SDNY
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DOC #:
DATE FILED: 3/1/11**

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BASHAWN CLOVER,

Plaintiff,

-v.-

RIKERS ISLAND, et al.,

Defendants.
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**REPORT AND
RECOMMENDATION
TO THE HONORABLE
P. KEVIN CASTEL**

10 Civ. 5356 (PKC)(FM)

FRANK MAAS, United States Magistrate Judge.

In this action, the pro se plaintiff complains that he was beaten by a group of men while at Rikers Island. The complaint was filed on July 14, 2010, and on July 16, 2010, a summons was issued and mailed to the plaintiff. A review of the Court's docket sheet indicated there was no proof of service of the summons and complaint on file, nor was the necessary documentation returned to the Marshal's Service. Therefore, on January 31, 2011, I issued an order in which I directed the Pro Se Office to issue a supplemental summons that the plaintiff was directed to have served on the defendants by April 1, 2011. This order was mailed by my Chambers to the plaintiff by certified mail. The Court warned that if service was not made by that date, and plaintiff failed to show good cause therefor, the Court would recommend dismissal of this action pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. On February 2, 2011, the order was returned as undeliverable.

In an effort to locate the plaintiff, my Chambers checked the New York City Department of Correction, the New York State Department of Correctional Services, and the Bureau of Prisons on-line prisoner locator services, (<http://a072-web.nyc.gov/inmatelookup/inmateLookup.do>; <http://nysdocslookup.docs.state.ny.us/kinqw00>; <http://www.bop.gov>


/iloc2/LocateInmate.jsp), but was unable to find him. Accordingly, because the plaintiff has failed to provide the Court with his current address, there is no way to contact him.

In these circumstances, I recommend that this case be dismissed without prejudice. Out of an excess of caution, I am sending a copy of this Report and Recommendation to the plaintiff's last known address at the M.D.C., although it appears certain that he no longer is there.

Notice of Procedure for Filing of Objections to this Report and Recommendation

The plaintiff shall have fourteen days from the service of this Report and Recommendation to file written objections pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure. See also Fed. R. Civ. P. 6(a) and (e). Any such objections shall be filed with the Clerk of the Court, with extra copies delivered to the chambers of the Honorable P. Kevin Castel, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, and to the chambers of the undersigned, at the United States Courthouse, 500 Pearl Street, New York, New York 10007. Any requests for an extension of time for filing objections must be directed to Judge Castel. The failure to file timely objections will result in a waiver of those objections for purposes of appeal. See Thomas v. Arn, 474 U.S. 140 (1985); Fed. R. Civ. P. 6(a), 6(e), 72(b).

DATED: March 1, 2011
New York, New York


FRANK MAAS
United States Magistrate Judge

Copy to:

Bashawn Clover
349-09-02282
M.D.C.
125 White Street
New York, New York 10013